

BRYAN SCHWARTZ, Bar No. 209903
HILLARY BENHAM-BAKER, Bar No. 265019
BRYAN SCHWARTZ LAW
180 Grand Avenue, Ste. 1550
Oakland, CA 94612
Telephone: 510.444.9300
E-mail: bryan@bryanschwartzlaw.com
E-mail: hillary@bryanschwartzlaw.com

LAW OFFICES OF J. CHRISP
JESSE BURL CHRISP, Bar No. 262518
14655 Lakeshore Drive
Clearlake, CA 94522
Telephone: 707.994.0529
Email: jessechrisp@gmail.com

Attorneys for Plaintiffs and the Putative Class

RICHARD N. HILL, Bar No. 083629
ROBERT L. ZALETEL, Bar No. 096262
LITTLER MENDELSON
A Professional Corporation
650 California Street, 20th Floor
San Francisco, CA 94108-2693
Telephone: 415.433.1940
E-mail: rhill@littler.com
E-mail: rzaletel@littler.com

Attorneys for Defendants
INCOM MECHANICAL, INC., JOE LOCATI,
JEFFREY LOCATI, PHIL LOCATI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Ricky Martinez, Josh LeClair, Norberto
Suarez, Tyler Fox, and Jared Hutman,
individually, on behalf of all others
similarly situated, and on behalf of the
general public,

Plaintiffs,

v.

Incom Mechanical, Inc., Joe Locati, Jeffrey
Locati, Phil Locati, and DOES 1 through
50 inclusive,

Defendants.

Case No. CV-11-01392 (SI)

**STIPULATION AND [PROPOSED]
ORDER REGARDING PLAINTIFF'S
FILING OF AN AMENDED COMPLAINT**

Complaint Filed: February 18, 2011

No Trial Date Set

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Ricky Martinez, *et al.* (“Plaintiffs”) and
2 Defendants Incom Mechanical, Inc., *et al.* (“Defendants”), by and through their attorneys of record,
3 make the following stipulated request to file a First Amended Complaint (“FAC”) in the above-
4 captioned matter as follows:

5 WHEREAS, the parties have reached a settlement agreement wherein they have
6 agreed to resolve all claims;

7 WHEREAS, the parties have agreed to settle claims under the Private Attorneys
8 General Act of 2004 (“PAGA”), California Labor Code section 2699, *et seq.*;

9 WHEREAS, without waiving any defenses to the FAC, or their right to challenge the
10 new pleading, Defendants have agreed to stipulate to the filing of the FAC to add claims under
11 PAGA, so that the pleadings conform to the settlement;

12 WHEREAS, the California Labor and Workforce Development Agency indicated on
13 August 10, 2011 that it did not intend to investigate Plaintiffs’ PAGA allegations;

14 THEREFORE IT IS HEREBY STIPULATED AND REQUESTED by and between
15 Plaintiffs and Defendants, through their respective counsel, that the Court grant Plaintiffs leave to
16 amend the Complaint as agreed by the parties.

1 Dated: August 22, 2011

BRYAN SCHWARTZ LAW

2
3 /s/ Hillary Benham-Baker

4 Bryan Schwartz, Bar No. 209903
5 Hillary Benham-Baker, Bar No. 265019
Attorney for Plaintiff

6 Dated: August 22, 2011

LITTLER MENDELSON
A Professional Corporation

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9 Richard N. Hill
10 Robert L. Zaletel
11 Attorneys for Defendants
12 Incom Mechanical, Inc., Joe Locati, Jeffrey
13 Locati, and Phil Locati
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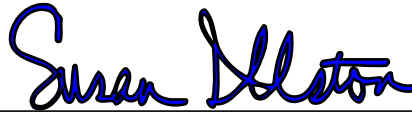
ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Parties' Stipulation, above, is approved and adopted as the Order of this Court, as follows:

Plaintiff's First Amended Complaint, filed with the Stipulation and Order is to be filed

IT IS SO ORDERED.

Dated: 8/30, 2011



Susan Illston
UNITED STATES DISTRICT COURT JUDGE